

Regular Session, 2010

SENATE BILL NO. 276

BY SENATOR HEITMEIER

SHERIFFS. Creates a fund to pay group insurance premiums for retired sheriffs and deputies in Plaquemines Parish. (8/15/10)

AN ACT

To enact R.S. 33:1448.3, relative to payment of group insurance premiums for retired sheriffs and deputy sheriffs; to create the Plaquemines Parish Retired Employees' Insurance Fund; to provide relative to eligible retired sheriffs and retired deputy sheriffs; to provide for the total amount of principal and earnings; to provide for limitations on withdrawals; to provide limitations of investments; to provide for membership and election of advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1448.3 is hereby enacted to read as follows:

§1448.3. Plaquemines Parish; payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund

A. There is hereby created the Plaquemines Parish Retired Employees' Insurance Fund, hereinafter referred to as the "PREIF," to fund the payment by the sheriff's office of Plaquemines Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs as provided in R.S. 33:1448(N).

B. The following monies shall be deposited into the PREIF until the total amount of the monies including principal and earnings in the PREIF equals the

sum of five million dollars:

(1) One and half percent of the monies received by the Plaquemines Parish Sheriff's Office for their efforts of collecting parish property tax.

(2) Fifty percent of the revenues received by the Plaquemines Parish Sheriff from video poker proceeds in accordance with R.S. 27:312.

(3) Any other monies that the sheriff of Plaquemines Parish may contribute to the PREIF.

C. Upon recommendation of the board established in Subsection G, the sheriff of Plaquemines Parish shall invest the monies in the PREIF as follows:

(1) Not more than fifty percent in equities.

(2) At least fifty percent in fixed income investments, provided that not more than one-half of the investment in fixed income may be invested in corporate bonds.

(3) The amount of earnings received pursuant to Paragraphs (1) and (2) of this Subsection shall be accounted for separately from the amount of the monies deposited into the PREIF pursuant to Subsection B of this Section.

D. The earnings realized on the monies invested pursuant to Subsection C shall be available for the sheriff to withdraw for the purpose of paying the insurance premium costs provided in R.S. 33:1448(N) for retired sheriffs and retired deputy sheriffs of Plaquemines Parish, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the PREIF is equal to the sum of five million dollars. In the event that the total amount of monies derived from deposits provided in Subsection B of this Section and investment earnings fall below the sum of five million dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs as required by R.S. 33:1448(N) shall be paid in full from the sheriff's general fund.

E. The monies deposited pursuant to Subsection B of this Section and the accumulated earnings up to a total of five million dollars shall not be

1 appropriated except in compliance with the provisions of Section G(1)(f) and (g)
2 and shall only be used for making income-producing investments as provided
3 in this Section.

4 F. Any financial audit conducted of the sheriff's office of Plaquemines
5 Parish shall specifically address compliance with the provisions of this Section.

6 G.(1) To provide recommendations concerning the investment of funds
7 as provided in Subsection C of this Section, the sheriff shall establish an
8 investment advisory board consisting of three members as follows:

9 (a) The sheriff.

10 (b) Two active deputy sheriffs of the department elected by the
11 other active deputy sheriffs of the department. If more than two people
12 qualify for the election, the two candidates receiving the highest number
13 of votes cast shall be elected to the board.

14 (c) The sheriff shall use and provide all means necessary and
15 proper to conduct the initial and subsequent elections. All expenses,
16 including the printing of the ballots for the initial and subsequent
17 elections, shall be borne by the sheriff and paid out of the sheriff's
18 general fund.

19 (d) The members of the board shall elect a chairperson at its first
20 board meeting which shall be held within thirty days after the election
21 of board members. The board shall adopt rules governing the election
22 of the members of the board. The election of board members shall be
23 called and supervised by the board with the assistance of the sheriff.

24 (e) Should a vacancy occur on the board within sixty days of the
25 date the vacancy occurs, the board shall appoint a member to fill the
26 vacancy for the unexpired term who is qualified to serve on the board as
27 provided in Subparagraph (b) of this Paragraph. If a board member
28 who is an active deputy sheriff elected pursuant to Subparagraph (b) of
29 this Paragraph retires, he may continue to serve for the remainder of the

term for which he was elected, if less than two years remain on his term;
however, if more than two years remain on his term, the board shall
appoint an active deputy sheriff to fill the remainder of that term.

(f) The members of the board shall retain a financial advisor and
legal counsel to provide recommendations and legal consultation
concerning the investment of the funds. The board shall adopt rules
governing their selection and compensation. The board may retain the
sheriff's office in-house legal counsel.

(g) The board members shall be paid a per diem for each day of
attendance at meetings of the board or on authorized business of the
board. The board shall establish the per diem rates.

(2) Members of the board shall serve terms concurrent with that of the
sheriff.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Proposed law creates the Plaquemines Parish Retired Employees' Insurance Fund (PREIF), to fund the payment by the sheriff's office of Plaquemines Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs.

Proposed law provides that the following monies will be deposited into the PREIF until the total amount of the monies including principal and earnings in the PREIF equals the sum of \$5,000,000.00:

- (1) One and half percent of the monies received by the Plaquemines Parish Sheriff's Office for their efforts of collecting parish property tax.
- (2) 50% of the revenues received by the Plaquemines Parish Sheriff from video poker proceeds.
- (3) Any other monies that the sheriff of Plaquemines Parish may contribute to the PREIF.

Proposed law provides that the sheriff must invest the monies in the PREIF as follows:

- (1) Not more than 50% in equities.
- (2) At least 50% in fixed income investments, provided that not more than one-half of the investment in fixed income may be invested in corporate bonds.

Proposed law permits the earnings realized on the monies invested be available for the sheriff to withdraw for the purpose of paying the insurance premium costs for retired sheriffs and retired deputy sheriffs of Plaquemines Parish, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the PREIF is equal to the sum of \$5,000,000.00.

Proposed law requires the sheriff to establish an investment advisory board consisting of

three members as follows:

(1) The sheriff.

(2) Two active deputy sheriffs of the department elected by the other active deputy sheriffs of the department. If more than two people qualify for the election, the two candidates receiving the highest number of votes cast shall be elected to the board.

Proposed law provides for election of members, filling of vacancies, election of a chairperson, terms of office, the adoption of rules by the board, compensation of the board, and the requirement that the board retain a financial advisor and legal counsel.

Proposed law requires members of the board to serve terms concurrent with that of the sheriff.

Effective August 15, 2010.

(Adds R.S. 33:1448.3)